

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

ANTHONY KINDER,
Plaintiff,

v.

SEAN FITZGERALD, Esq., et al.,
Defendants.

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No. 19-cv-2938

ORDER

AND NOW, this 25th day of July, 2019, upon consideration of Plaintiff Anthony Kinder's Motion to Proceed *In Forma Pauperis* and Prisoner Trust Fund Account Statement (ECF No. 4), and his *pro se* Complaint (ECF No. 1), which raises claims under 42 U.S.C. § 1983, it is

ORDERED that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. Kinder, #13-4648, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court hereby directs the Warden of Berks Cuntty Jail or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Kinder's inmate account; or (b) the average monthly balance in Kinder's inmate account for the six-month period immediately preceding the filing of this case. The Warden or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Kinder's inmate trust fund account exceeds \$10.00, the Warden or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Kinder's inmate account until the fees are paid. Each payment shall reference the docket number for this case.

3. The Clerk of Court is directed to **SEND** a copy of this order to the Warden of Berks County Jail.

4. The Complaint is **DEEMED** filed.

5. The Complaint is **DISMISSED with prejudice** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for the reasons stated in the accompanying Memorandum.

6. The Clerk is **DIRECTED** to **CLOSE** this case.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.

JOSEPH F. LEESON, JR.
United States District Judge